

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Peter Felix**
Marina Felix
Debtor(s)

Case No.
Chapter 13 Proceeding

☐ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$3,400.00 Monthly, paid by ☐ Pay Order or ☒ Direct Pay for 60 months. The gross amount to be paid into the plan is \$204,000.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 12% of each unsecured allowed claim.
- THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.
- C. The value of the Debtor's non-exempt assets is \$21,000.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
Mercedes-Benz Financial Serv. 2009 Mercedes S Classs S63	\$1,050.00	

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Mercedes-Benz Financial Serv. 2009 Mercedes S Classs S63	\$40,913.00	\$34,575.00	\$1,040.56 Avg.	5.25%	\$37,460.30	

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"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on
July 6, 2016 *."*

/s/ Peter Felix
Debtor

/s/ Marina Felix
Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Bain Construction	judgment/corp. to cont to pay		
Chemical Transportation, Inc.	judgment/corp to cont to pay		
Nationstar Mortgage 11534 Jacquelin Ann Ct., El Paso, TX		\$99,924.00	\$2,540.36
Tax Assessor/Collector 11534 Jacquelin Ann, El Paso, TX	2016 & Future Tax - Escrowed		

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B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
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Martinez Law Firm	\$3,100.00	Along With
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B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
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Internal Revenue Service	\$16,580.70	Along With
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C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Nationstar Mortgage 11534 Jacquelin Ann Ct., El Paso, TX	\$64,000.00	\$342,532.00	Pro-Rata	6.25%	\$72,359.98	Arrears thru 7/2016
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D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Internal Revenue Service Tax Lien	\$3,179.50	\$3,179.50	Pro-Rata	4%	\$3,438.01	
Mercedes-Benz Financial Serv. 2009 Mercedes S Classs S63	\$40,913.00	\$34,575.00	\$1,040.56 Avg.	5.25%	\$37,460.30	
Titlemax 2009 Mercedes GL450	\$5,000.00	\$17,975.00	Pro-Rata	5.25%	\$5,541.88	

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 12% of their allowed claims.

Creditor	Estimated Debt	Remarks
Ahern	\$20,000.00	
Altair OH XIII, LLC	\$2,774.00	Capital One
American Express	\$3,595.00	
American Express	\$14,218.00	
Antio, LLC	\$16,125.00	Citibank
Antio, LLC	\$11,322.00	Citibank
Ashley Funding Serv., LLC	\$921.00	Central Financial
Bank of America	\$17,578.00	
Bank of America	\$23,037.00	
CACH, LLC	\$4,245.00	Wells Fargo
Capital One	\$4,552.00	
Chase	\$11,554.00	
Compass Bank	\$74,211.00	
Crowson, Walker		Atty for Bain Construction
Discover	\$299.00	
El Paso Electric Co.	\$813.00	
Grupo Arte Capital Corp	\$211,304.00	
Linebarger, Goggan, Blair & Sampson		Attys for Tax Assessor
MB Fin Serv		
Mercedes-Benz Financial Serv.	\$6,338.00	Unsecured portion of the secured debt (Bifurcated)
Miranda & Maldonado, PC	\$478.00	
Portfolio Recovery Assoc	\$18,142.00	Chase

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Continuation Sheet # 5

Portfolio Recovery Assoc	\$6,243.00	Chase
Sears		
Security Credit Serv	\$891.00	
TD Auto Finance		Deficiency
VW Credit, Inc.		
Watson Law Firm		
Weinstein & Riley, PS		Attys for Nationstar

Totals:

Administrative Claims	<u>\$3,100.00</u>
Priority Claims	<u>\$8,848.00</u>
Arrearage Claims	<u>\$64,000.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$42,754.50</u>
Unsecured Claims	<u>\$456,372.70</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

:

A. Pursuant to 11 U.S.C. §1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.

B. The Debtor(s) further agree, to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing the percentage payout to unsecured creditors.

C. Confirmation to the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, especially where the creditor is scheduled as "direct pay" or "outside," to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

D. If any unsecured creditor files a timely claim, with proper attachments, the Plan will provide for that claim as filed unless objected to by the Debtor. The secured creditors will be paid 8% interest.

E. If additional funds become available, creditors may receive higher monthly payments.

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Continuation Sheet # 6

Respectfully submitted this date: 7/6/2016.

/s/ Eric M. Martinez

Eric M. Martinez
5601 Montana Ave., Suite A
El Paso, TX 79925
Phone: (915) 490-0063 / Fax: (915) 772-0257
(Attorney for Debtor)

/s/ Peter Felix

Peter Felix
11534 Jacquelin Ann
El Paso, TX 79936
(Debtor)

/s/ Marina Felix

Marina Felix
11534 Jacquelin Ann
El Paso, TX 79936
(Joint Debtor)

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Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on July 7, 2016, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Eric M. Martinez

Eric M. Martinez
Bar ID:24034822
Martinez Law Firm
5601 Montana Ave., Suite A
El Paso, TX 79925
(915) 490-0063

Ahern
1401 Mineral Ave.
Las Vegas, NV 89106

Antio, LLC
1662
c/o Weinstein & Riley, PS
2001 Western Ave., S-400
Seattle, WA 98121

Bain Construction
xxxx xxxxxxxxxxxxxl, Inc.
14160 Blair Dr.
El Paso, TX 79928

Altair OH XIII, LLC
6016
c/o Weinstein & Riley, PS
2001 Western Ave., S-400
Seattle, WA 98121

Antio, LLC
6174
c/o Weinstein & Riley, PS
2001 Western Ave., S-400
Seattle, WA 98121

Bank of America
2744
P.O. Box 982235
El Paso, TX 79998

American Express
3613
c/o Becket & Lee, LLP
P.O. Box 3001
Malvern, PA 19355

Ashley Funding Serv., LLC
9519
Resurgent Capital Serv.
P.O. Box 10587
Greenville, SC 29603

Bank of America
4169
P.O. Box 982235
El Paso, TX 79998

American Express
6153
c/o Becket & Lee, LLP
P.O. Box 3001
Malvern, PA 19355

Attorney General of the United States
Dept of Justice
950 Pennsylvania NW
Washington, DC 20530

CACH, LLC
6421
4340 S Monaco St Unit 2
Denver, CO 80237

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CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Capital One
5906
P.O. Box 71083
Charlotte, NC 28272

Grupo Arte Capital Corp
c/o Clyde A. Pine, Jr.
P.O. Box 1977
El Paso, TX 79950

Nationstar Mortgage
9132
Attn: Bankruptcy Dept.
P.O. Box 619096
Dallas, TX 75261

Chase
0072
201 N. Walnut St.
Wilmington, DE 19801

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

Peter Felix
11534 Jacquelin Ann
El Paso, TX 79936

Chemical Transportation, Inc.
xxxx xxxxxxxxxxxxl, Inc.
c/o Law Offices of Stephen Nickey
1201 N Mesa, S-B
El Paso, TX 79902

Internal Revenue Service
Special Procedures Staff
Stop 5022 AUS, 300 E. 8th St.
Austin, TX 78701

Portfolio Recovery Assoc
2196
P.O. Box 12914
Norfolk, VA 23541

Compass Bank
5424
P.O. Box 10566
Birmingham, AL 35296

Linebarger, Goggan, Blair & Sampson
xxxxxxxxxxx0200
711 Navarro, S-300
San Antonio, TX 78205

Portfolio Recovery Assoc
9446
P.O. Box 12914
Norfolk, VA 23541

Crowson, Walker
Attorney at Law
725 S. Mesa Hills, B2, S-2
El Paso, TX 79912

MB Fin Serv
P.O. Box 9223
Farmington, MI 48333

Sears
2116
P.O. Box 6189
Sioux Falls, SD 57117

Discover
6328
P.O. Box 3025
New Albany, OH 43054

Mercedes-Benz Financial Serv.
0801
BK Servicing, LLC
P.O. Box 131265
Saint Paul, MN 55113

Security Credit Serv
2943
P.O. Box 1156
Oxford, MS 38655

El Paso Electric Co.
Attn: JJ Jimenez
100 N. Stanton St.
El Paso, TX 79901

Miranda & Maldonado, PC
5915 Silver Springs Dr.
El Paso, TX 79912

Stuart C. Cox
1760 N. Lee Trevino
El Paso, TX 79936

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CERTIFICATE OF SERVICE

(Continuation Sheet #2)

Tax Assessor/Collector
xxxxxxxxxxx0200
P.O. Box 2992
El Paso, TX 79999

TD Auto Finance
P.O. Box 551080
Jacksonville, FL 32255

Titlemax
12496 Montana Ave.
El Paso, TX 79938

United States Attorney
601 N.W. Loop 401, Suite 600
San Antonio, TX 78216

VW Credit, Inc.
5558
National Bankruptcy Serv.
9441 LBJ Freeway, S-250
Dallas, TX 75243

Watson Law Firm
xx-x1209
1123 E. Rio Grande
El Paso, TX 79902

Weinstein & Riley, PS
6785-4 Eastern Ave.
Las Vegas, NV 89119